

### **REMARKS**

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### **PENDING CLAIMS**

Claims 1-18 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is presently interested. At entry of this paper, Claims 1 and 19-24 will be pending for further consideration and examination in the application.

### **CLAIM OBJECTIONS OBVIATED VIA CLAIM CANCELLATION**

Claims 11-17 have been objected to because of the Office Action concerns listed within the "Claim Objections" section on page 2 of the Office Action. As cancellations of such claims have been made (in favor of the replacement claims), reconsideration and withdrawal of the claim objection are respectfully requested.

**35 USC '112, 1<sup>ST</sup> PARAGRAPH REJECTION  
OBSOLETE VIA AMENDMENT/CANCELLATION**

Claims 1-18 have been rejected, under 35 USC '112, first paragraph, for the concerns listed within the "112" section on pages 2 and 3 of the Office Action.

Traversal is appropriate, but such rejection and/or concerns have been rendered obsolete by the present clarifying amendments/cancellations to Applicant's claims.

However, Applicant respectfully submits the following comments regarding certain ones of the Examiner's concerns

Concerning the Examiner's indication "there is no description to describe that the information center device and the terminal device each is a separate unit that has its own computer system and storage unit", traversal is appropriate. More particularly, it is respectfully submitted that there are descriptions in paragraphs [0015], [0016], and Figs. 1, 2 in the specification of the International Publication, concerning such feature(s). Fig. 1 illustrates that information center 5000 and terminal device 5030 (and 5031, 5032, 5033) each is a separate unit and separated by a network 600; also, Fig. 2 illustrates that each unit is configured of a computer system which comprises processing unit 901, memory 602, external storage unit 903, reader/writer 904 and network communication unit 907. Further, Fig. 13 and its explanation (paragraphs [0071]-[0090]) specifically describe with regard to information transmitting/ receiving. Further, it is respectfully submitted that any skilled artisan (and in fact any engineering student) would know how to configure the information center device and the terminal device (and the navigation device) to communicate and exchange information with each other over the network platform

(i.e., computing resources/architecture) within which the invention would be implemented.

Concerning the Examiner indication that “it is unclear whether or not the map data is the same as the drive history information”, Applicant respectfully submits that the map data and the drive history information are stored in the same recording medium. However, the map data is different from the drive history information. That is, map data describe road links for example, whereas drive history information describes actions, locations visited by a user of the moving object.

Based upon the foregoing, reconsideration and withdrawal of the above-referenced rejection are respectfully requested.

**35 USC '112, 2<sup>ND</sup> PARAGRAPH REJECTION  
OBSOLETE VIA AMENDMENT/CANCELLATION**

Claims 1-18 have been rejected under 35 USC '112, second paragraph, as being indefinite for the concerns listed on page 3 of the Office Action. Appropriate ones of such claims have been carefully reviewed and carefully amended/cancelled where appropriate in order to address the Office Action listed concerns. As the foregoing is believed to have addressed all '112 second paragraph concerns, reconsideration and withdrawal of the '112 second paragraph rejection are respectfully requested.

### **REJECTION UNDER 35 USC '103**

The 35 USC '103 rejection of claims 1, 11 and 18 as being unpatentable over Chojnacki (U.S. Patent 6,768,942) is respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following remarks supplied from Applicant's foreign representative.

In Applicant's present invention, drive history information of individual users can be easily collected by updating map data (e.g., at a reduced cost) in return for providing drive history information. That is, if a user declines to authorize collection of his/her drive history information, such user would be required to pay full price for updating map data, whereas if a user authorizes (e.g., agrees to) collection of his/her drive history information, such cooperating user would only be required to pay a reduced price for updating map data.

On the other hand, disclosed in Chojnacki is a system to securely distribute digital data such as map data to a navigation system in security (i.e., while

preventing unlicensed uses). Such method is realized by an encryption key and authorization process.

However, Chojnacki seems not to have any idea of “transferring map data in return for history information”. That is, Applicant respectfully submits that Chojnacki does not disclose any features of Applicant’s present invention other than the only shared point of transferring map data via portable recording medium. Accordingly, Applicant considers that Chojnacki is essentially irrelevant as a reference against Applicant’s claimed invention.

According to Applicant’s present invention, in providing a reduced map updating charge in return for providing drive history information, an actual map updating charge is calculated based on the recording ratio of the drive history information. For example, if there are ten (10) different types of drive history information of interest to be recorded, and a user only authorizes collection of eight (8) out of such ten (10) different types, then the recording ratio may (in one non-limiting example) be taken as an 80% recording ratio, whereupon the user may then be eligible to receive 80% of a discount possible regarding the an updating charge for updating of mapping data.

In practice, without any incentive, users generally hesitate to provide their drive history information because such information concerns their privacy. In contrast in Applicant’s present invention, an incentive is provided in that an update charge of map data is calculated on a basis of recording ratio of the history information, which means that users will have an opportunity to provide their history information willingly and history information can be collected easily.

The expressions are particularly shown, for example, in paragraphs [0064] and [0065], and also [0084] – [0087]. These calculation methods are designed to encourage users' willingness to provide their history information accurately to reflect to "a recording ratio".

In Applicant's present invention, "a recording ratio" is not simply a ratio for memory capacity in a recording medium, but it accurately indicates users' willingness to provide their history information. For example, to what percentage is a user willing to cooperate in providing drive history information.

Even when there is a little information, it can be known that users have positive attitude if "a recording ratio" is high (i.e., if users are willing to provide all, or a majority of the differing types of possible drive history information). In other words, a user can be incentivized by allowing his/her charge for updating map data to be reduced by willingly contributing to collecting history information.

Next, Applicant's invention recited in new claim 22 corresponds to a second embodiment of the specification. More particularly, such embodiment assumes that there are two ways to provide and pass the drive history information to the information center device, for example, by directly uploading from the navigation device (e.g., via a cable connected between the navigation device and the terminal machine), and by uploading via the terminal machine by removing the navigation device's recording medium and installing it within the terminal machine (Please refer to Fig. 18).

When the history information is passed through two ways as such, Applicant determined that there is a possibility that the information center obtains information overlapping already-obtained information, i.e., the information center may obtain the same information twice.

According to Applicant's present invention, even in such a case, Applicant's claimed arrangement includes an identifier attached to the history information indicating that it has already been transmitted. Thus, the information center may recognize that the same information has been received twice, and thus, one of the overlapping information is deleted. Consequently, it is possible to prevent confusion in a process and to reduce the amount of information which is handled by the information center device.

None of the cited references disclose the above-described configuration.

New claim 23 defines that, when there is redundant history information, information transmitted from the navigation device directly to the information center, such information is deleted and instead, history information transmitted from the terminal machine is preserved. The advantage of such arrangement is as follows.

Since the navigation device is mounted on a moving object, communication method is wireless communication. In such a case, information transmitted from the navigation device may be limited from the perspectives of communication cost or communication speed. On the contrary, information transmitted from the terminal machine is directly read from the recording medium of the navigation device, and thus the information transmitted from the terminal machine is superior in information amount and perhaps quality (Please refer to paragraph [0134]).

Therefore, the invention recited in claim 23 defines that, when there is overlapping history information, information transmitted from the navigation device directly to the information center is deleted, and history information transmitted from the terminal machine is preserved.

Again, none of the cited references disclose the above-described configuration.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '103 rejection, and express written allowance of all of the '103 rejected claims, are respectfully requested.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

#### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter.

Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 566.46566X00) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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